Docket No.: 1514.1040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Byoung-Deog CHOI, et al.

Serial No. 10/827,326 Group Art Unit: 2811

Confirmation No. 2924

Filed: April 20, 2004 Examiner: Sara W. Crane

For: THIN FILM TRANSISTOR AND DISPLAY DEVICE USING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed February 24, 2006, having a shortened period for response set to expire on March 24, 2006, the following remarks are provided.

An election of species requirement was made between the following allegedly patentable distinct species:

Species 1, drawn to the application of a voltage to a channel region to discharge hot carriers (claims 1-6, 16-19 and 31-33); and

Species 2, drawn to specific structures for applying a voltage to a channel region (claims 7-15 and 20-24).

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

In order to comply with the requirements of 37 CFR §1.146 and MPEP §809.02(a), Applicants provisionally elect, with traverse, to prosecute Species 1, claims 1-6, 16-19 and 31-33.

II. Applicants Traverse the Requirement

Insofar as Species 2 is concerned, it is believed that claims 7-15 and 20-24 are so closely related to elected claims 1-6, 16-19 and 31-33 that they should remain in the same application. The elected claims 1-6, 16-19 and 31-33 are directed to a thin film transistor, a flat panel display and an active layer of a thin film transistor and claims 7-15 and 20-24 are also drawn to a thin film transistor and a flat panel display. It is believed that the Examiner would find references containing both species 1 and 2 claims in the same field of technology.

Furthermore, it is noted that the Examiner has not identified different classifications and sub-classifications in the art for the different sets of claims. Therefore, it is believed that the evaluation of all claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to Applicants in having to protect the additional subject matter by filing a divisional application. Even assuming that the claims would be in different classifications, it is believed that classification is not conclusive on the question of restriction.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

Further, the making of an election species is not mandatory in all instances where it is possible to do so. Rather, the Examiner may use his/her discretion and choose not to make an election of species where circumstances warrant. It is believed that such is the case in the subject application. Therefore, Applicants request, under 37 CFR § 1.143, that the Examiner reconsider and withdraw the election requirement set forth in the above-noted Office Action.

III. Conclusion

In view of the foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition for allowance.

If any further fees are required in connection with the filing of this Amendment, please

charge the same to our deposit account number 503333.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 3/21/06

By: Douglas Rodriguez
Douglas X. Rodriguez
Registration No. 47,269

1400 Eye St., NW., Ste 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510